

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARIA GABRIELLA AYALA  
MORENO,

Defendant.

**CR-18-58-GF-BMM**

**ORDER**

Defendant Maria Gabriella Ayala Moreno appeared before United States Magistrate Judge John Johnston on September 11, 2018 and entered a plea of guilty to Conspiracy to Possess with Intent to Distribute Controlled Substances in violation of 21 U.S.C. § 846, as charged in Count I of the Indictment. Judge

Johnston entered Findings and Recommendations on September 11, 2018. (Doc. 23.)

Judge Johnston determined: (1) that Moreno was fully competent and capable of entering an informed and voluntary plea; (2) that Moreno was aware of the nature of the charges against her and the consequences of pleading guilty to Count I; (3) that Moreno understood his constitutional rights, and the extent to which he was waiving those rights by pleading guilty; (4) that Moreno's plea of guilty was knowing and voluntary plea supported by an independent basis in fact sufficient to prove each of the essential elements charged in Count I; (5) that Moreno had adequate time to review the Plea Agreement with counsel; and (6) that Moreno understood each provision of the Plea Agreement. (Doc. 23 at 1-2.) Judge Johnston recommended that the Court accept Moreno's plea of guilty to Conspiracy to Possess with Intent to Distribute Controlled Substances as charged in Count I of the Indictment. (Doc. 23 at 2.) Judge Johnston recommended that the agreed forfeiture be imposed against Moreno. (Doc. 23 at 2.) Judge Johnston further recommended that Count II of the Indictment be dismissed. (Doc. 23 at 3.)

Neither party filed objections. The Court will review Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error and adopts Judge Johnston's Findings and Recommendations in full.

IT IS ORDERED:

1. Moreno's Motion to Change Plea (Doc. 14) is GRANTED.
2. The Court will defer acceptance of the Plea Agreement (Doc. 16) until sentencing, at which time the Court will have reviewed both the Plea Agreement and the Presentence Investigation Report.

DATED this 1<sup>st</sup> day of October, 2018.



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Brian Morris  
United States District Court Judge